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## Natural Rights

Beginning in the eighteenth century, many countries incorporated lists of various basic human RIGHTS into their constitutions, commonly including rights of life, LIBERTY, speech, press, association, worship, and fair treatment in civil and criminal trials. One of the signal events of the twentieth century was the United Nations' adoption in 1948 of a UNIVERSAL DECLARATION OF HUMAN RIGHTS. The traditional name for such rights is "natural" rights, on grounds that they are grounded in one's nature as a human person. Although natural rights should be respected by the STATE, they are not created by the state. Generally speaking, they protect human beings by limiting what the state may do.

**Church's View of Natural Rights.** The Catholic Church affirms the reality of certain natural rights in correlation with the natural moral law. For example, a declaration of VATICAN COUNCIL II, *Dignitatis humanae*, affirms an "inviolable" right to religious freedom, which means that "all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits" (*Dignitatis humanae*, 2). In the same spirit, an instruction of the Congregation for the Doctrine of the Faith, *Donum vitae*, declares: "The natural moral law expresses and lays down the purposes, rights, and duties which are based upon the bodily and spiritual nature of the human person," beginning with the "primary and fundamental" right to life, and extending to such rights as the "right of every person to be conceived and to be born within marriage and from marriage" (*Donum vitae*, 3).

**Different Kinds of Natural Rights.** Rights can be distinguished in several ways. One way is to distinguish them according to their objects: (1) There are rights to *have or receive* something; for example, merchants have the right to payment from their customers, and children, the right of care from their parents. (2) There are also

rights to *do* something; for example, a man and woman have a right to marry if there are no impediments to their union.

Rights can also be differentiated according to whether they are permissive, protective, or supportive. Religious liberty is a good example because it is a right in all three senses. Natural law obligations to seek the truth about God and to worship God lead to corresponding natural rights: (1) the natural right to liberty to seek the truth about God, precisely because seeking it is one's DUTY and finding it one's highest good; (2) the natural right to freedom from interference from the state and from other individuals when seeking the truth about God and offering God proper worship; and (3) the natural right to receive what aid others can reasonably provide when seeking the truth about God (e.g., by answering the seeker's questions about God to the best of their ability). Most thinkers would say that only the first two dimensions of this natural right can be enforced by civil law.

Care must be exercised in defining natural rights. The right to life, for example, does not prohibit the use of lethal force in certain cases, such as self-defense, just war, or even where no other way exists to protect [\[Page 1043\]](#) SOCIETY, CAPITAL PUNISHMENT (cf. *Catechism of the Catholic Church*, 2267). Although the duty of civil GOVERNMENT to protect innocent human life normally restricts the use of lethal force to public authority, occasions arise when individuals may legitimately use lethal force (e.g., self-defense or defense of other innocent people) against an aggressor when public authority is not at hand.

**Different Theories of Natural Rights.** Discussions of natural rights sometimes distinguish between objective and subjective rights. This terminology is somewhat misleading, because in a certain sense, every genuine right has both objective and subjective dimensions. My rights are objective in the sense that it is objectively right for me to have them, but they are subjective in the sense that they are mine, something that I, the subject, “have.” Usually, those who speak of objective and subjective natural rights are not really distinguishing between different kinds of rights, but between different theories of rights that may, respectively, be called classical and revisionist. Classical and revisionist theories disagree about where rights come from, about what rights one really has, and about how an individual's rights should be interpreted.

The classical view, which is also the Catholic view, holds that natural rights exist to safeguard the ability of all persons to do their duties and to have the liberty to direct their lives in such a way as to develop their human gifts. This theory understands the various gifts to exist not only for an individual's own good but also for the good of others, and hence it sometimes sees the need to codify these natural rights as civil

rights with appropriate legal sanctions to protect these rights against the potential TYRANNY of individuals, social groups, and the state. The human power to make free and responsible decisions within the limits of the NATURAL LAW is thus cherished as a gift of God. But according to this view, not everything that one chooses is good just because one chooses it. There is no moral right to do EVIL. Classical thinkers view natural rights, natural duties, and the COMMON GOOD as strongly connected. Even the right to acquire private property exists for the sake of doing one's duties, with due respect for the common good, and can be limited by these considerations. Moreover, according to this theory, not only individuals but also certain forms of association, such as families and the Church, have rights. Children have a natural right to parental care precisely because their natural well-being requires it; parents have a natural right to direct their children's education because otherwise they cannot fulfill their duty of care.

In the revisionist view, however, the only real rights are individual rights. Rather than being correlative with duties that one has under the natural moral law, these rights are regarded as morally fundamental. Duties are envisioned as flowing from voluntary agreements, often including a SOCIAL CONTRACT; individual rights, in turn, are viewed as arising from personal autonomy, understood as self-ownership or self-rulership, and in extreme cases, this autonomy is identified with the sheer power to exercise one's own will. Revisionists commonly argue, for example, that because I own myself, I own my labor; because I own my labor, I own whatever property I have invested my labor in; and because I own my property, I may do whatever I wish with it. Many of the proponents of the revisionist view permit, or tend to permit, certain acts that the classical view regards as intrinsically evil. For example, some revisionists argue that because I own myself, I own my body; because I own my body, I may do whatever I want with it; because I may do whatever I want with it, I may abort an unborn child that is developing inside it. As this shows, in the revisionist view it can be difficult to limit the claims made on the basis of natural rights, and it is unclear in some systems how, if at all, they are connected with duties.

**Is “Rights Talk” Ethically Dangerous?** Some classical natural law thinkers are deeply uneasy with the language of natural rights. The reasons for this disquiet are understandable. Because however firmly the claims to natural rights may be grounded in what is objectively just, they may seem to be subjective simply because they belong to individuals and need a subject to make a claim for them. Of course, the same might be said of duties, yet, psychologically, a difference exists. Although certain duties may come into being only by some voluntary commitment that I have made, the view championed by theorists of the natural moral law is that I also have certain obligations independent of any voluntary commitments. “My” duties in this

sense direct my attention outward, to the persons toward whom I owe them. By contrast, “my” rights direct my attention inward, toward myself. This difference makes it very easy to view rights as though they were not really about objective moral realities, but “all about me”—about the sheer assertion of my radically sovereign will. The fear of these critics of natural rights theory, then, is that too much talk of rights subtly influences individuals to accept a revisionist rather than a classical view of natural rights.

To most classical natural law thinkers, however, it seems unreasonable that one should avoid the language of natural rights altogether just because the idea can be badly abused. The reality of natural rights, properly understood, is a truth, knowable by reason. Admittedly, truth can be abused; even liars know that to be persuasive, they must fit as much truth into their lies as [Page 1044] possible. Instead of avoidance, then, a better strategy (though perhaps a risky one) aims at redemption of the term *natural rights* by trying to rescue the concept from its abusers, to uproot it from the theory of radical self-sovereignty, and to plant it again in the soil of natural law.

Redeeming the language of natural rights and liberties was one of the more daring projects of the pontificate of JOHN PAUL II. Not only did he freely use such language, but he resolutely challenged its distortion.

**SEE ALSO** NATURAL LAW IN POLITICAL THOUGHT; RIGHTS, HUMAN.

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